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Climate Change and Human Displacement

IUCN Environmental Law Colloquium

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Water and Displacement

- ❑ Small Island States: (Maldives, Tuvalu, Kiribatu)
- ❑ Water Scarcity (drought): Africa, China
- ❑ Flooding: Pakistan, Brazil, Brisbane
- ❑ Tsunami: Asia Region
- ❑ Development Displacement (Dams): Asia Region



Vulnerability: Communities and Ecosystems

Vulnerability

- The sensitivity of people, places and ecosystems to stress or perturbation, including their capacity to anticipate and cope with the stress.
- Examples:
 - Ecosystems: degraded areas, small isolated areas, geographical location.
 - Communities: indigenous groups, informal settlements, rural groups.

Resilience

Ecological Resilience

Amount of disturbance a system can absorb and still remain within the same state.

Community Resilience

- Accumulation of financial, physical, human and natural capital that provide sources for reorganization following disturbances, and the social networks and institutions that provide entitlements to assets and well as coping resources and social capital.

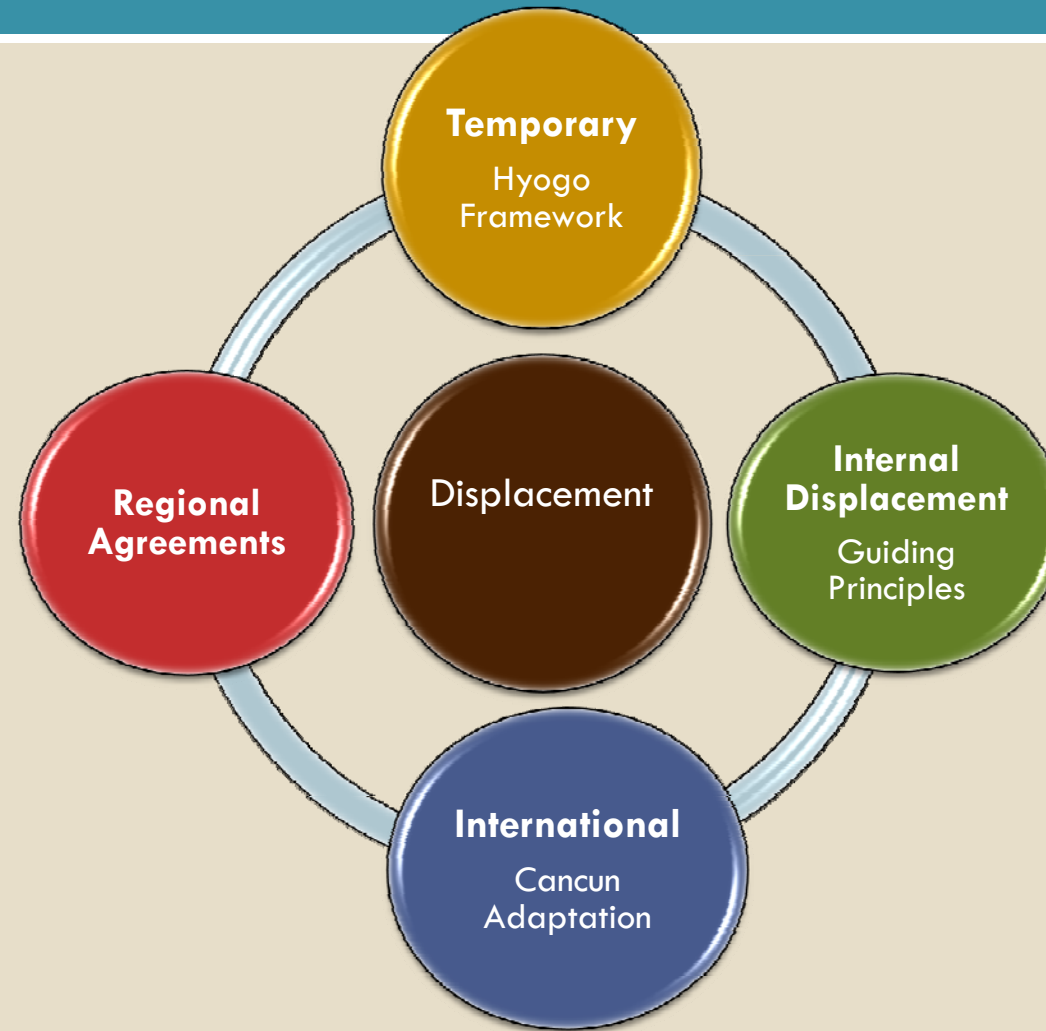
Defining: Displacement

- ❖ Temporary
- ❖ Permanent local displacement
- ❖ Permanent internal displacement
- ❖ Permanent regional displacement
- ❖ Permanent inter-continental displacement
- ❖ Temporary regional or international displacement

NB: There is no agreed term to describe people: person displaced by climate change/environment, environmental migrant, climate/environmental refugee, climigration



Existing Displacement Governance



Temporary Displacement

Hyogo Framework for Action 2005-2015: *Building the Resilience of Nations and Communities to Disasters*

1. Make DRR a national and local priority.
2. Identify and monitor DR disaster.
3. Education to build culture of safety and resilience
4. Reduce the underlying risk factors
5. Strengthen disaster preparedness of effective response at all levels.

Internal Displacement

Guiding Principles on Internal Displacement (2001)

- **Principle 15:** Internally displaced persons have
 - a) The right to seek safety in another part of the country;
 - b) The right to leave their country;
 - c) The right to seek asylum in another country; and
 - d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and or health would be at risk.
- **Principle 6 (2) (c):** large scale development projects
- **Principle 9:** Obligations on States protect against displacement with groups with attachment to land.

Regional Agreements

Example of displacement: Pacific Island Nations

Immigration Provisions

New Zealand

- Threatened Pacific Islanders can move to NZ (Tonga, Kiribati, Tuvalu)
- Seasonal employer policy
- Refugee family support
- Samoan Category

USA

- Citizens of Marshall Island, Federated States of Micronesia and Republic of Palu can establish residence as non-immigrant in US.
- Seasonal worker scheme.

Australia

- Nursing Initiative: Kiribati overpopulation and climate change.
- Seasonal worker program

International Recognition

Refugee Convention

- Refugee defined under Article 1A (2): owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of their nationality and is unable or, owing to such fear unwilling to avail himself of the protection.

Human Rights Instruments

- Guarantee protection for people within state borders: does not create obligation to protect human rights of people outside of State.
- Rights impact by climate change: right to life, food, water, health and housing.

Climate Change Framework

- Displacement not specifically addressed in UNFCCC or KP.
- UNFCCC: Article 4
- KP: 10 (1) (b) and 12.
- Cancun Adaptation Framework 2010

UNHCR and IMO



The United Nations Refugee Agency

- Re-settlement Handbook (2004)

International Organisation for Migration

- Reports, Studies, Policy Recommendations.
 - ▣ Theme: Migration, Climate Change and the Environment.

Case Studies: Re-settlement



Alaska

- Voluntary internal migration: Newtok Traditional Council
- Governance issues: 25 different agencies involved



Carteret Islands (PNG)

- Voluntary Internal Migration and Re-settlement.: Tulele Peisa
- 6000 inhabitants of Carteret and 3 other atolls resettled on larger island of Bougainville.



Nauru

- Regional permanent displacement to Australia.
- Issues in understanding the significance of *maintenance of cultural identity* undoing of the proposals.

International Level

- Cancun Adaptation Framework
 - ▣ Article 14 (f): parties should take measures to enhance understanding, coordinating and cooperation with regard to climate change induced displacement, migration and planned relocation where appropriate at national, regional and international levels.
- Proposal for a Loss and Damage Mechanism under the UNFCCC (AOSIS)
 - ▣ Risk management and risk reduction
 - ▣ Risk sharing and risk transfer mechanisms (insurance)
 - ▣ Rehabilitation measures: relocation and or compensation.

Cross-cutting Legal Issues

- Improving DRR activities in vulnerable locations.
- Funding: insurance and compensation options.
- Relocation: tenure, sustainable development, cultural identity, respect of human rights, jurisdiction issues (tribal, federalism, regional, international).
- Impact of climate change upon human rights.
- Conflict: potential for migration to cause conflict (resource scarcity and competition)

Brisbane Floods

Vulnerability

- ❑ Ecosystem: Medium
- ❑ Community: Low



Resilience

- ❑ Ecosystem: Medium
- ❑ Community: High





Thank you for your attention.